

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.4138 of 2005

17th October 2005

Between:

M.Srinivasa Reddy, S/o.M.Venkata Reddy, 42 years, Contractor, H.No.2-1-65,
Pragathinagar, Peddapalli, Karimnagar District.

...PETITIONER

AND

1. The Government of Andhra Pradesh, rep.by its Secretary, Irrigation &
Command Area Development, Secretariat Building, Hyderabad.

And two others.

...RESPONDENTS

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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ORAL ORDER:

This petition is filed to declare the action of the respondents in not issuing the revised schedule through paper publication for finalizing the second tender notification No.5/04-05 dated 20.01.2005 as invalid, illegal etc., on various grounds.

On behalf of the respondents, the third respondent filed a counter affidavit, *inter alia*, contending that since W.P.No.798 of 2005 filed by the petitioner questioning the tender notification No.5/04-05 dated 20.01.2005 was dismissed on 10.02.2005 and since the work in respect of which the tenders were called for is also completed, this Writ Petition becomes infructuous.

No representation on behalf of the petitioner.

Heard the learned Assistant Government Pleader.

From the affidavit of the petitioner and from the counter affidavit filed by the third respondent also, it is seen that W.P.No.798 of 2005 filed by the petitioner questioning the tender notification impugned in this Writ Petition was dismissed by this Court on 10.02.2005. Therefore, the petitioner cannot validly question the said notification again in this Writ Petition. For that reason and for the reason that the counter affidavit filed on behalf of the respondents clearly shows that the work has already completed, the petitioner cannot be granted any relief.

The Writ Petition is dismissed with costs.

(C.Y.SOMAYAJULU, J)

17th October 2005

RRB